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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 269th MEETING

Held at Headquarters, New York,
on Monday, 23 January 1995, at 10 a.m.

Chairperson: Ms. CORTI

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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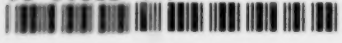

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined initial and second reports of Tunisia (CEDAW/C/TUN/1-2)

1. At the invitation of the Chairperson, Ms. Mezhoud (Tunisia) took a place at the Committee table.

2. Ms. MEZHOUD (Tunisia), introducing her country's combined initial and second reports, summarized the historical and geographical factors which had favoured the participation of women in public life throughout Tunisia's history. Those factors had also led to the promulgation, when Tunisia became independent, in 1956, of the Personal Status Code abolishing polygamy, prohibiting forced marriage and establishing a legal basis for divorce proceedings. The Code's provisions had laid the foundations for a new organization of the family based on the legal equality of men and women.

3. The Tunisian Constitution of 1959 stipulated the equality of men and women before the law, granted Tunisian women the right to vote and stand for public office, and recognized their right to limit and space their children's births. In 1985, Tunisia had ratified the Convention on the Elimination of All Forms of Discrimination against Women. Tunisian legislation recognizing equality between the sexes had evolved further, aided by the work of the National Union of Tunisian Women (UNFT), and the principle of equality had been reaffirmed in such basic national instruments as the law governing political parties and the National Covenant.

4. The concept of equality of opportunity had also begun to emerge in the 1980s and had been seen as a prerequisite for integrating women in the country's economic and social life. Such institutions as the Ministry for Women and the Family, of which she was currently Minister, and the Centre for Research, Documentation and Information on Women (CREDIF) had been created with that goal in mind. The appointment of women to a number of high-level posts in the Government and the ruling party reflected a determination to give women the best possible opportunity to participate in decision-making on the country's present and future.

5. Concurrently, a series of legislative reforms had been adopted in 1993 to remove any remaining archaic elements and adapt the legal system to the full exercise of human rights. Those reforms had included an amendment to the Personal Status Code substituting the obligation of mutual respect between spouses for the woman's duty to obey her husband, strengthening mothers' legal right of guardianship of their children and creating a fund to guarantee the payment of alimony and child support. The matrimonial tie was also regarded as an aggravating circumstance in imposing penalties for conjugal violence.

6. The fundamental right to work had been reaffirmed for all women, with the Labour Code explicitly formulating the principle of non-discrimination between

men and women in the workplace. The Code of Nationality had been amended to grant Tunisian women married to foreigners the right to transmit their nationality to their children, with their husbands' consent.

7. Tunisian women were determined to discharge their responsibilities to women elsewhere in the Arab world by devoting their creativity and talent to the tasks of furthering Tunisia's economic and social progress, defeating the plans of the fundamentalists and serving as role models. There was considerable activism on the part of women's organizations such as the National Chamber of Women Heads of Business (CNFCE) and the National Federation of Women Farmers (FNA). Although women accounted for 21 per cent of the total workforce, there had been encouraging increases in professional opportunities for women in the civil service, teaching, medical and paramedical work, communications and agriculture. There were also an increasing number of women in decision-making positions at the local and national levels.

8. Such advances had been made possible by the policies of universal education, health and family planning that together had substantially contributed to women's emancipation. Since 1956, Tunisian legislation had been pursuing a single goal, that of modelling a new society within the framework of a modern Islam, in accordance with the Islamic concept of ijtihad, a dynamic way of thinking that adapted continually to the course of events and of history.

9. Educational reform in Tunisia was designed primarily to inculcate universal values in the young, preparing them for a life that admitted of no discrimination or segregation based on sex, social origin, race or religion. The principle of compulsory education promulgated under that reform was aimed at eradicating the early drop-out phenomenon among girls, especially in rural areas, and at preventing reactionary parents from taking their daughters out of school.

10. The inclusion of family planning among the services offered by primary health care centres had lowered the number of children per family from 7.2 in 1975 to 3.4. in 1989. The already low population growth rate of 1.9 per cent was expected to drop considerably by the year 2000.

11. Obstacles to women's emancipation and social progress nevertheless persisted in Tunisia. Those obstacles included illiteracy and the resurgence of fundamentalism, although the country had managed to ward off the fundamentalist threat through a global, coherent and consistent approach to democratization and human rights, as well as through education and the unequivocal affirmation of women's rights. There was a determination at the highest levels to give women the necessary mechanisms for affirming their presence on the national scene and for taking part in production, decision-making and development. As legislation moved in the direction of still greater recognition of gender equality, women would continue to close the gap between their daily lives and the provisions of the law, thereby paving the way for further legal reforms and the gradual lifting of Tunisia's reservations to certain provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

12. The CHAIRPERSON invited members of the Committee to make general comments on Tunisia's initial and combined reports, followed by comments on specific articles.

13. Ms. SINEGEORGIS applauded the progress made in Tunisia in the area of women's rights and expressed the hope that the lifting of Tunisia's reservations to various provisions of the Convention would facilitate its eventual incorporation into national legislation. She suggested that special measures should be taken to combat illiteracy among women between the ages of 14 and 25, that more women should participate in decision-making, and that measures should be pursued to give Tunisian women equality with men in the area of inheritance rights.

14. Ms. SATO congratulated the representative of Tunisia on an excellent report and said she hoped that the Tunisian Government could consider withdrawing its reservations to several provisions of the Convention in the near future.

15. Ms. JAVATE DE DIOS welcomed the progress made by Tunisian women towards equality before the law, and their participation in political life. The Tunisian Government had shown its determination to create an environment conducive to the participation of women in all areas of life and to guarantee equality for women, despite internal and external resistance. She hoped that the Government would soon be able to withdraw its reservations to article 16, paragraph 1 (c), (d), (f) and (g), article 29, paragraph 1, and article 15.

16. Ms. AYKOR compared Tunisia's efforts to empower women with those of her own country, Turkey. Given that, under the pressure of traditional values, Islamic countries usually wished to see women in a family role, she asked for details of what the Government was doing to protect women's rights as individuals rather than as members of the family. In view of the rising level of fundamentalism in the region, there was a need to show solidarity in the face of criticism and to fight off challenges to the improvement of the individual status of women.

17. Ms. ABAKA congratulated the representative of Tunisia on a clear and comprehensive report. Tunisia was currently chairing the Organization of African Unity and, by its example, was providing excellent leadership for the rest of Africa. She noted that all the necessary legislation had been put in place to ensure so-called third generation rights, such as the right to social peace, the right to a healthy democratic climate and the right to development. She hoped that the Government would have the political will to withdraw its reservation to the article of the Convention referring to inheritance.

18. Ms. KHAN said that it was encouraging to know that Tunisia had granted women rights that were unheard of elsewhere in the region. However, in view of the Government's reservations to the Convention, she wondered whether there was any contradiction between legislation and actual practice. It would be useful to clarify whether the Government considered the growth of democracy to be a threat to stability. She understood the Government's dilemma, but inquired whether there were any long-term plans to allow everyone, including women, to exercise their full democratic rights. She hoped that the Government would withdraw its reservations to articles 15 and 16 of the Convention.

19. Ms. TALLAWY congratulated the Tunisian Government on recognizing both the need to reinforce the gains already made in Tunisia and the responsibility it bore towards women in the rest of the Arab world. Tunisian law had provided a model since the 1950s and the current Government was continuing along the same lines. However, in view of the difficulties presented by fundamentalism in the region, she wondered how Tunisia's pioneering effort and modern interpretation of Islamic precepts could be maintained and consolidated. It would be useful to know whether the Government could collaborate with other Governments of the region in combating negative interpretations of women's rights in the Islamic code. The misinterpretation of Islam's attitude to women was compounded by the interpretation of democracy put forward by the Western media and non-governmental organizations, which confused human rights with terrorism. That point needed clarification. Human rights must be fought for, but women would be the losers if such rights were given an incorrect, retrogressive interpretation. Each State had the right to make reservations to specific articles of the Convention, but she was concerned that the language used to express those reservations seemed to block any future hope for their reconsideration. She referred particularly to the reservation to article 9, paragraph 2, contained in paragraph 323 of Tunisia's report. Options must be left open for the reconsideration of reservations at an appropriate moment.

20. Ms. BUSTELO GARCIA DEL REAL said that she wished to comment on the previous speaker's reference to human rights and Western interpretations thereof. She considered that the United Nations interpretation of human rights should be the standard interpretation. Terrorism should be combated while at the same time protecting all human rights, including those of terrorists.

21. Ms. MUÑOZ-GOMEZ congratulated the representative of Tunisia on her very full report and her excellent presentation. The progress made by the Tunisian Government towards human rights for women should be commended. She would be interested to know how national policies were implemented at the regional level, and the extent of the financial resources made available for long-term policies to promote women's rights. She also asked for more details on the involvement of women, especially poor and rural women, in economic development and wished to hear more about the Government's reservation to article 16.

22. Ms. OUEDRAOGO said that the presence of the Minister for Women and the Family was an indication of her personal commitment to the advancement of women. The report indicated that Tunisia had been advancing towards planned development for the past 30 years, and that it had made economic and social progress despite the prevailing fundamentalist climate in the region. Tunisia had used the positive provisions of the Koran to benefit women. She shared the concern of previous speakers at the Government's reservations to certain articles of the Convention. It would be interesting to learn how Tunisia intended to preserve the achievements made to date and whether Tunisia's women and women's movements could be encouraged to work towards that end.

Article 5

23. Ms. BUSTELO GARCIA DEL REAL said that the report set a positive example to many other women in the world. Turning to article 5, she requested additional information on violence against women. The Convention had no specific article

on that subject, but CEDAW recommendation 19 referred to article 5, which covered discrimination and violence, as well as gender stereotypes and their relationship to violence against women. It would be interesting to have more information on all kinds of violence: domestic violence, rape, sexual harassment at work, and violence against detained or imprisoned women or other vulnerable groups, such as prostitutes. More information was needed not only on legislation, but also on administrative measures, support services and information campaigns: women must know their rights in order to protect themselves.

Article 6

24. Ms. BUSTELO GARCIA DEL REAL noted that prostitutes as a group were vulnerable to violence, but that they should have the same rights as other women. It would be useful to know whether Tunisia's legislation was discriminatory towards prostitutes and their clients, and whether their rights as women were protected under the law and in practice. She wished to know whether minors were protected and whether there was any way of preventing them from turning to prostitution, prostitution being an attractive option in countries such as Tunisia which was visited by large numbers of tourists, and whether there was any trafficking in women for prostitution or for other illegal activities. That was a subject on which little information was available in many countries.

25. Ms. OUEDRAOGO, supported by Ms. KHAN, said that while the report mentioned the legislative measures adopted by the Government to punish prostitution and procuring, statistical data indicating the scope of the phenomenon should be provided in future reports.

26. Ms. ESTRADA CASTILLO said that she would be grateful for additional information on whether a movement had arisen to demand human rights for prostitutes and whether any legislation was being contemplated to protect their health. It would be useful to have a full account of the social policy to re-educate and reintegrate women who had engaged in prostitution (para. 239). The percentage of women involved in regulated prostitution should be clarified. Lastly, noting that Tunisia had signed the Convention on the Rights of the Child, she asked whether child prostitution existed in the country and, if so, what steps had been taken to control it.

27. Ms. JAVATE DE DIOS said that she too would appreciate further details on the social policy referred to in paragraph 239 of the report, as well as on whether the Government had addressed the problem of men's attitudes towards prostitution.

Article 7

28. Ms. JAVATE DE DIOS commended the efforts made to ensure maximum participation by women in politics and public life, especially the reforms provided for in the Constitution and the Personal Status Code. The reporting State should indicate whether there had been any resistance to the Government's efforts to institutionalize women's equality and, if so, how the Government had dealt with it.

29. Ms. ESTRADA CASTILLO, while noting with satisfaction the legislative measures adopted to promote equality for women, said that the issues discussed in paragraphs 250 to 257 of the report were cause for concern, especially the indications that women preferred to vote for male candidates and did not question male authority within the home. Since raising women's awareness appeared to be the greatest challenge, it would be useful to learn whether the Government was contemplating any basic educational reforms designed to inculcate positive attitudes towards women's participation at the primary level.

Article 9

30. Ms. KHAN said that it was difficult to understand why, despite far-reaching social reforms, women were still treated unequally in respect of the transmission of nationality to alien spouses and children. It would be useful to learn whether any efforts were being made to change that situation, especially by the national "Women and Development" commission. Moreover, since one half of the country's female population was illiterate, the reporting State should indicate whether any steps had been taken to use the mass media to disseminate information concerning women's legal rights.

31. Ms. ESTRADA CASTILLO said that more information should be provided on how the rules concerning transmission of nationality affected non-Tunisian women with Tunisian children who left the country.

Article 10

32. Ms. LIN Shangzhen said that the importance which successive Tunisian Governments had attached to education, as reflected in the education budget, was impressive. However, while it was encouraging to note that women had accounted for 40.5 per cent of the student body in higher education during 1991-1992, women students still appeared to be concentrated in traditionally "female" disciplines. It would be interesting to learn whether any measures were being contemplated to encourage women to enter traditionally "male" fields, such as engineering and computer science. Lastly, further details should be provided in the next report on the results of the programme to combat illiteracy.

33. Ms. OUEDRAOGO said that, while the reporting State had made commendable efforts to increase educational opportunities for women, much remained to be done to raise women's literacy levels so that they could have access to higher-paying jobs. She would appreciate knowing whether any studies had been carried out on the root causes of the school drop-out phenomenon among girls.

34. Ms. JAVATE DE DIOS said that greater attention should be paid to the problem of female illiteracy, as education was the key to women's empowerment. The Government was to be commended for its efforts to portray women in a positive light in school programmes and textbooks, as reflected in paragraphs 204 to 208 of the report. The inclusion of courses on public freedoms and human rights in law school curricula, as outlined in paragraphs 210 to 213, was of particular importance for disseminating the concept of women's rights. Nevertheless, there had been some disturbing complaints of possible violations of human rights, including women's human rights, which needed clarification. A human rights organization had alleged in its 1993 report that

hundreds of women had been detained and, in some cases, sexually abused by the police as part of the Government's campaign against religious fundamentalism. She would be grateful for additional information on the situation of women belonging to opposition political groups.

35. Ms. BARE noted with satisfaction the progress made in improving young women's access to secondary and tertiary education, as well as the encouragement given to women scholars to conduct primary research aimed at providing the Government with a firmer basis for formulating policies to improve the status of women.

36. Drawing attention to paragraphs 474 to 477 of the report, which discussed young women's choices of fields of study, she said that the reporting State should be more specific about the information campaign being undertaken by the Ministry of Education and Sciences. In particular, it was unclear whether school curricula should be scrutinized from the standpoint of the role models which they portrayed.

Article 11

37. Ms. JAVATE DE DIOS, drawing attention to paragraphs 552 to 554 of the report, which alluded to the inadequate recognition given to women's economic contribution in the agricultural sector, asked whether any studies of the informal sector had been carried out with a view to making a more accurate assessment of women's economic role. It would be useful to learn whether a gender-sensitive statistical system was in place.

38. Turning to paragraph 570, which outlined the prospects for improving the employment and training of women, she asked whether there were any plans to train women for non-traditional jobs.

39. With regard to paragraphs 579 to 618, which detailed the legal machinery for the protection of the health and safety of working women, she requested further details on the problem of sexual harassment in the workplace and on any steps which had been taken to ensure that women were not subjected to such behaviour by employers or co-workers.

40. Ms. SATO said that it had come to her attention that the proportion of economically active women over 30 years of age in rural areas was less than 20 per cent; the reasons for that situation should be clarified. It would also be useful to learn whether the number of female students in higher education was increasing and whether there were sufficient job opportunities for women graduates.

Article 12

41. Ms. OUEDRAOGO said that she would welcome further information on the Government's plans to increase health coverage for women and girls, especially in connection with women's right to control their fertility.

42. Ms. JAVATE DE DIOS said that, as the report contained no information on violence against women, it would be useful to know whether any statistics were

available on wife-beating, rape, and so on, and whether such phenomena were regarded as a criminal or a health issue. She also requested the reporting State to comment on a report by a foreign organization that some Tunisian women were experiencing emotional difficulties as a result of the conflict between liberal government policy and traditional Islamic teachings regarding their status.

43. Ms. KHAN, noting that abortion was permitted during the first trimester of pregnancy but only for women who already had five living children, said that the implications of that provision for population control were unclear. The Government should also indicate whether the decision to have an abortion could be taken by women alone, or whether they needed their husband's permission.

Article 13

44. Ms. KHAN, noting with satisfaction that the Government had made no reservations to article 13, said that the reporting State should clarify whether girls and boys had an equal right to inherit family property.

Article 15

45. Ms. KHAN said that it was difficult to understand in what context the Government had made the declaration stating that the provisions of article 15, paragraph 4, including those regarding the choice of residence and domicile by women, were not to be interpreted as being contrary to the provisions of the Personal Status Code.

Article 16

46. Ms. CARTWRIGHT said that the disparity between the age of marriage for men and for women had no physiological or intellectual basis and should be clarified.

47. She shared the concerns of other members of the Committee at the Government's reservation to paragraph 1 (c), (d), (f), (g) and (h) of article 16, dealing with women's status within the family. Since most discrimination originated within the family, the Government, by ending all legal discrimination against women, could take the lead in encouraging better attitudes towards women in the private sphere.

48. More information should be provided on whether women could share property acquired during a marriage, even if it had been acquired with the husband's earnings. She noted that the persistence of the custom of providing a dowry indicated that women were still, to some degree, regarded as a commodity. Lastly, she would appreciate information on the social position of women who lived independently of men.

49. Ms. ESTRADA CASTILLO said that the Government's reservation to article 16 indicated that women's position within the family was not as strong as it might be. Moreover, the reservation was inconsistent with the Government's obligations under the Convention on the Rights of the Child, which it had also signed.

50. Ms. BUSTELO GARCIA DEL REAL said that she too trusted that Tunisia would withdraw its reservation to article 16. Notwithstanding such reservations, Tunisia represented an encouraging example of progress against inequality. It was in fact preferable to make reservations and then withdraw them, rather than, as some States did, ratify the Convention without reservations but not fully implement its provisions.

51. Ms. KHAN asked how the ban on polygamy was applied, in view of the reservation to article 16 (c).

52. Ms. MUÑOZ-GOMEZ observed that problems of domestic violence appeared to arise when men attempted to impose their authority within the family. Given that free unions were not recognized in Tunisia, she asked for details of the rights of children born out of wedlock.

53. Ms. OUEDRAOGO welcomed the abolition of polygamy and noted that the age of marriage was lower for women than for men.

54. Ms. HARTONO asked whether inter-religious and other mixed marriages were possible and, if so, which elements of the Koran would be viewed as applicable. She also wished to know whether women had the right to select schools for their children without their husband's consent. With respect to inheritance, she asked whether women could inherit from their spouse on the same basis as men. She wished to know what would happen with regard to inheritance, and in general, if there was a conflict between Islamic and civil law and between the judgements of religious and secular courts.

55. The CHAIRPERSON welcomed the explanation given of Tunisia's geo-political situation, which helped the Committee to grasp the extent to which Tunisia's progress was conditioned by the need to avoid adverse reactions. The Personal Status Code of 1956 had established a symbiosis between the dictates of religion and the demands of modern life. The ending of polygamy and the changes with regard to divorce and age of marriage had strengthened the role of women in family relationships, laying a strong foundation for the advancement of women. It was clear that the political will existed to ensure de jure and de facto equality for women. The provision of family planning services in rural areas also reflected a policy of social change.

56. The report followed the Committee's guidelines and took into account its general recommendations. She would have liked further details on article 9, and trusted that Tunisia would soon withdraw its reservation to that article. It seemed that, notwithstanding the progress made in education and in opening up non-traditional roles to women, much remained to be done, particularly in the political domain. She trusted that the progress so far made would soon extend to other areas, bearing in mind the need to guard against negative reactions from extremist religious groups that were opposed to women's rights. Tunisia must remain a beacon for women in the Muslim world.

57. Ms. MEZHOUD (Tunisia) noted that Tunisia's geopolitical situation cautioned against moving ahead too fast. Nevertheless, the political will to promote human rights, dignity and respect existed at the highest levels, and the Government would pay great attention to the comments made by the members of the Committee.

The meeting rose at 1 p.m.

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 270th MEETING

Held at Headquarters, New York,
on Monday, 23 January 1995 at 3.15 p.m.

Chairperson: Ms. AOUIJ
(Vice-Chairperson)

later: Ms. CORTI
(Chairperson)

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

OTHER MATTERS

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95-80124 (E)

In the absence of the Chairperson, Ms. Aouij, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second periodic reports of Uganda (CEDAW/C/UGA/1-2)

1. At the invitation of the Chairperson, Ms. Baryaruha (Uganda) took a place at the Committee table.

2. Ms. BARYARUHA (Uganda) said that prior to 1986, Uganda's human rights record had been among the worst in the world, and the country was still recovering from more than two decades of political instability and civil strife which had brought about social disintegration and a total breakdown of infrastructure. Since 1986, the Government had committed itself to the protection of basic human rights, including the rights of women.

3. The national machinery for the advancement of women was spearheaded by the Ministry of Gender and Community Development; the Minister, a woman, had recently been appointed Vice President of the Republic. The Government based its strategy of integration of women into the mainstream of development on the national gender policy framework and sector-specific policies, aimed at providing guidelines for mainstreaming gender issues. At the sectoral level, interministerial committees reviewed policies and proposed revisions in order to make gender issues explicit. The Government also provided systematic gender awareness and analysis training for policy makers and senior officials. At the community level, local Women's Councils had been established to mobilize women's participation in the development of their local areas.

4. Recognizing that women had long been disadvantaged, the Government was committed to enhancing their participation in politics and decision-making through temporary affirmative action. As a result, 5 out of the 21 Cabinet Ministers were women and they represented 16 per cent of members of Parliament and 16 per cent of district administrators. The Constituent Assembly, which was drafting Uganda's new Constitution, had 54 women, or a total of 19 per cent of the delegates. The participation of women in the local Resistance Councils was mandatory, and a post of Secretary for Women was included in each Council committee. The number of women in high-level positions in the civil service was also growing.

5. Poverty in Uganda was reflected in its relatively low life expectancy and relatively high maternal mortality rates - 500 per 100,000 live births. Most households headed by women - which accounted for 20 per cent - had an income of less than $100 per capita per year. Whereas women constituted 70 to 80 per cent of the total agricultural labour force and were responsible for over 80 per cent of food production, only 7 per cent of land owners were women. Women accounted for a mere 20 per cent of the workforce in the formal sector, but were strongly represented in the informal sector. Uganda was one of the few sub-Saharan

African countries to have achieved self-sufficiency in food production, and the Government was currently seeking to eliminate hunger and nutritional deficiencies among women and children. There were various housing projects that enabled women to acquire the skills they needed to participate in the construction industry. The Government had also encouraged the banking sector and non-governmental organizations to provide credit and capital to women.

6. In the area of education, the Government had taken affirmative action to increase women's university enrolment. Female university applicants were awarded bonus points in the entrance system and at some colleges, half the vacancies would be reserved for female applicants until gender parity had been achieved. There had been a slight increase in the number of girls receiving technical training over the past 10 years. Other efforts to achieve gender balance would include special incentives for increased enrolment and retention of girls, a vigorous programme of basic non-formal education and efforts to mould public opinion in favour of education and training for women.

7. A number of deeply rooted social customs including polygamy and the payment of bride price, continued to directly affect the well-being of women and children. Female circumcision and genital mutilation, though not common, were still practised in certain parts of the country. In order to counteract the negative effects of traditional cultural practices on women, the Government had launched several programmes on gender sensitization and legal education to raise women's awareness of their legal rights and improve society's attitudes towards women. Issues of culture and socialization were also being addressed by non-governmental organizations.

8. The high population growth rate in Uganda was due not only to lack of access to and information on family planning, but also to cultural preferences for large families. Most women had little control over matters pertaining to their reproductive health and sexuality. In response, the Government's national health policy aimed at promoting community-based primary health care. Local non-governmental organizations had also supplemented government initiatives in addressing the health of mothers and children. The national policy on HIV/AIDS stressed the individual and collective responsibility of all for AIDS control activities and was directed at both prevention and active management of all the perceived consequences of the epidemic. In keeping with the multisectoral approach, AIDS control programmes had been set up in several ministries to supplement efforts of the Ministry of Health.

9. Rural women were highly dependent on their environment and natural resources. Since few women owned land they had limited access to credit which, in turn, affected their participation in development activities. Access to safe water supply and to fuelwood or other sources of energy was an ongoing problem for rural women.

10. The Government had already taken major steps to eliminate de facto discrimination and the draft Constitution would do much to eliminate <u>de jure</u> discrimination.

11. In conclusion, she noted that representatives of non-governmental organizations had been actively involved in preparing the report. Before its

submission to the Committee, a national workshop had been held where participants from those organizations and government institutions had analysed and discussed its content.

12. The CHAIRPERSON, after expressing her appreciation for the comprehensive information provided in the report, invited members to ask general questions.

13. Ms. ABAKA congratulated the Government of Uganda on its frank report and said that she was glad to learn of the involvement of non-governmental organizations in its preparation. She inquired what temporary measures had been taken to mitigate the negative effects of structural adjustment on the general population and on vulnerable groups, and said that she would also welcome more information about traditional cultural practices which adversely affected women.

14. Ms. BERNARD said that the report showed that there was much room for improvement in the status of women in Uganda. It was disturbing that the Constitution contained no mention of sexual discrimination or of other gender issues. She hoped that the matter would be remedied and that the Government would consider enacting equal rights legislation. Only when discrimination against women was actionable in the courts would the Convention on the Elimination of All Forms of Discrimination against Women be fully complied with.

15. Ms. OUEDRAOGO suggested that the Government of Uganda might try to increase the involvement of women's organizations in social and economic planning. She would welcome information as to what initiatives existed to strengthen those organizations and encourage their involvement in the defence of women's rights.

Article 2

16. Ms. ABAKA, referring to evidence of harassment by police officers of women who complained of domestic violence, asked whether there were any plans to incorporate the provisions of the Convention into the Uganda Constitution so that such examples of systematic non-compliance with the Convention could be challenged in court.

17. Ms. BERNARD, referring to the difficulty of proving rape in a court of law (para. 64), asked whether women's organizations or other agencies had taken any steps to try to amend the relevant laws and whether there were any programmes designed to sensitize law enforcement officials.

18. Ms. SATO inquired whether the Constituent Assembly intended to incorporate any provisions concerning discrimination against women in the new Constitution.

19. Ms. KHAN said that the language of the Decree of 1972 (para. 54) which interpreted the Constitution was symptomatic of the country's male-oriented laws. She asked whether the Constitutional Commission and the Law Reform Commission were taking adequate measures to incorporate the necessary changes in the wording of the Constitution, and whether non-governmental organizations or women's groups were being consulted. Also, she wondered whether the two Commissions were taking any temporary affirmative measures, whether the Law Reform Commission had any women members, and how many complaints of sexual discrimination had been dealt with by the Inspector General of Government.

20. Ms. MAKINEN said that she would welcome additional information regarding constitutional reform, including the time-scale involved. She wondered whether the Government had any plans to introduce equal-opportunities legislation. She welcomed the introduction of measures to amend legislation to address matters such as violence against women, and suggested that non-governmental organizations and women lawyers' associations should become involved in educating women and improving their level of legal literacy.

21. Ms. JAVATE DE DIOS welcomed the collaborative and consultative approach adopted by the Ugandan Government in preparing the report; a similar approach would be useful for the revision of those aspects of the Constitution which did not yet reflect the Government's determination to give full recognition to women's rights. The Government should consider the adoption of a strong constitutional provision on sexual equality.

22. She requested additional information regarding the incidence of rape, as well as any move by the Government to examine its root causes, its consequences for the victims, and the steps being taken to address the problem.

Article 3

23. Ms. BERNARD noted that the Uganda Association of Women Lawyers was apparently the only body operating a legal aid clinic (para. 77) and that more facilities of that type were needed. She wondered whether the Government had any plans in that respect, and whether any other agencies were considering providing such services.

24. Ms. OUEDRAOGO suggested that, given that traditional attitudes and practices conflicted with legal provisions and invariably placed women in an unfavourable position, the Government should consider enacting a new law on personal and family rights.

Articles 4 and 5

25. Ms. JAVATE DE DIOS, while welcoming the steps it had taken to address the underrepresentation of women in politics through affirmative action, asked what the Government planned to do to curb the incidence of domestic violence.

Article 6

26. Ms. BUSTELO GARCIA DEL REAL said that anyone reading the report might get the impression that Ugandan legislation was designed to protect society from prostitutes, rather than protecting the rights of the women concerned. Clearly it was against the law to be a prostitute; she wondered whether the prostitute's clients were also committing a criminal offence. She would also like to know whether the AIDS prevention measures described in the report also applied to prostitutes and their clients, and whether prostitutes were entitled to the same protection as other women if they were subjected to violence. She asked for clarification of paragraph 100 of the report, which did not make it clear whether the protection of minors referred to was protection from prostitution, and requested that future reports should provide details of measures to reduce trafficking in women, and the results of those measures.

27. Ms. BERNARD noted that prostitution tended to undermine programmes designed to curb the spread of AIDS, and asked what programmes had been implemented to decrease the incidence of prostitution.

Article 9

28. Ms. JAVATE DE DIOS asked if there were any plans to correct the inequality between men and women in respect of the rules concerning nationality and the acquisition of passports. She also inquired as to the possibility of addressing the problem of discrimination against girl children born of polygamous marriages. Noting that some women's groups had proposed the banning of polygamous unions, she wondered whether the Government had any plans in that respect.

29. Ms. ESTRADA CASTILLO asked whether a Ugandan husband could forbid his wife and children to leave the country, and if so, what plans the Government had to change that rule, and whether there was any authority to which the wife could appeal in such situations.

Article 10

30. Ms. ABAKA, noting that, according to paragraph 158 pre-school education was a private business, suggested that not everyone could pay for such facilities, and the Government should therefore provide for affordable nurseries and kindergartens for all children.

31. Ms. OUEDRAOGO, supported by Ms. ESTRADA CASTILLO, noting that a number (mainly girls) of children were living in a married relationship (CEDAW/C/UGA/1-2/Add.1, para. 3.10.4) inquired as to their ages and what measures would be taken to redress that situation.

32. Ms. AYKOR said that early pregnancies, doubtless contributed to illiteracy among women over 16 and to the high incidence of single-parent families headed by women. She asked whether primary education was compulsory, and what, if any, were the age limits for such education. According to the report, many early pregnancies were caused by teachers or other adults (CEDAW/C/UGA/1-2/Add.1, para. 3.10.2); that was a frightening situation, and she asked what measures the Government intended to apply to improve the situation.

33. Ms. BARE asked what action the Government was taking to punish the adults responsible for pregnancies among schoolgirls and what efforts had been made to educate girls about the dangers of early sexual activity.

34. With regard to the assertion that primary education would be compulsory and universal by the year 2003, the reporting State should indicate whether such a programme would be Government-aided; if not, cost factors could mean that girls would be even more marginalized given the increasing number of households headed by children.

Article 12

35. Ms. BERNARD, supported by Ms. ESTRADA CASTILLO, asked what percentage of female deaths were due to AIDS and what percentage were the result of illegal abortions. Given that 44 per cent of women who died as a result of abortion were under 20, it would be useful to know whether there were any specific measures in place to protect that vulnerable group. It would also be interesting to know how successful the Government's AIDS-control programmes were. The reporting State should be more specific about any penalties that were being applied to stop the practice of female circumcision, and whether it was actually prohibited by law. The Government should also provide further details about programmes it had organized to change people's thinking on the issue.

36. Ms. SATO said she would be interested to learn of any data about rape and incest affecting young girls in Uganda.

37. Ms. SHALEV asked for updated figures on the anticipated number of new AIDS cases in the near future and on the male-to-female ratio of AIDS infection. The fact that women in Uganda had so little control over their own sexual activity would explain the prevalence of the disease among women of child-bearing age. Moreover, the AIDS epidemic might be one reason for the high infant mortality rate. She was concerned that the report seemed to single out prostitutes as a threat to society and an obstacle to the success of campaigns to control the spread of AIDS. It was difficult to understand why the reporting State had not considered mass distribution of condoms as a means of halting the epidemic.

38. Ms. JAVATE DE DIOS, noting that the doctor-to-patient ratio was very low in Uganda, applauded the Government's support for traditional healers as a key element in making medicine more accessible especially in rural areas. The Committee would be interested to know whether the traditional healers were given sufficient resources to disseminate family-planning and AIDS-awareness information, and whether they constituted a network maintained by the Government to offset the shortage of doctors.

39. Ms. KHAN, noting that AIDS was a social as well as a medical problem, since it would affect the workforce of the future which, in turn, would impact negatively on agricultural production, asked for more specific information about programmes that had been made available to women to combat AIDS. In view of the fact that abortion was illegal in Uganda, she wondered whether a pregnant woman with AIDS could seek abortion on health grounds.

40. While noting that the penalties for having sexual relations with girls under 18 were severe, she said that the high number of teenage pregnancies would seem to suggest that the legislation was not effective. On the subject of the high fertility rate, the reporting State should provide additional data about the family-planning services available in rural areas, since it seemed that too many women in the countryside relied on ineffective traditional contraceptive methods.

41. Ms. SCHÖPP-SCHILLING requested additional general information about the reaction of women's groups inside Uganda to the various initiatives being organized by the Government. It would also be interesting to learn more about

the underlying cultural and anthropological factors in African society which militated against women. She expressed interest in the link, if any, between nutrition, early pregnancy and AIDS, and inquired to what extent local women's organizations could be mobilized to disseminate information about AIDS-related issues.

Article 14

42. Ms. OUEDRAOGO observed that rural women were almost always the most disadvantaged group in African societies because they were so far removed from the central power structures and were themselves extremely backward and resistant to change. Family-planning programmes made no headway among them because the women themselves were opposed to such projects; the role of the female was traditionally centred around childbearing. Strategic programmes involving information, education and communication were required to overcome that outlook.

Article 15

43. Ms. JAVATE DE DIOS said she would appreciate further information about the custom of wife inheritance, especially with regard to cases in which the husband had died of AIDS. On the subject of harassment of widows by a dead husband's relatives, she again requested more data about how such women could protect themselves. Finally, she asked what was being done to rectify the double standard that applied to grounds for divorce.

44. Ms. ESTRADA CASTILLO welcomed the introduction of legal reforms in Uganda but noted that social change often lagged behind legislation. She therefore wished to know whether specific measures were being taken to implement the provisions of the Convention concerning the relations of men and women in the family and to harmonize the Convention with existing religious and legal norms in Uganda.

45. The CHAIRPERSON welcomed the fact that women occupied positions of responsibility in Ugandan political life and hoped that they would work to bring about change in all sectors, particularly education, health and employment. A special effort should be made to reduce all discrimination against women with regard to property ownership and credit, since agriculture accounted for 80 per cent of the Ugandan economy. It was also to be hoped that laws protecting women from excision, rape and domestic violence would be strengthened. She welcomed the fact that women were represented on the Constitutional Commission and hoped that their input would help to ensure full equality of the sexes in Uganda.

46. Ms. BARYARUHA (Uganda) thanked the Committee for its support and solidarity and assured the Committee that the Ugandan population was not about to be depleted by the AIDS epidemic. Perhaps the situation seemed so alarming because the Ugandan report had been much more honest and forthcoming with statistics in comparison to other countries.

47. Ms. TALLAWY said that, as an African sister, she wished to caution Ugandan women that they might not always enjoy the support given to them by the current

leadership and urged them to work hard to advance the status of women while President Museveni was still in office.

48. Ms. Baryaruha (Uganda) withdrew.

49. Ms. Corti, Chairperson, took the Chair.

OTHER MATTERS

50. The CHAIRPERSON read out a letter from the Permanent Mission of Spain to the United Nations, addressed to her, in which the Spanish Government agreed to host and finance a meeting of CEDAW in order to enable it to complete the final document which the Committee would submit to the Fourth World Conference on Women. The session would be held at Madrid from 27 April to 1 May. It was not yet clear whether the special session would be considered official or unofficial. She requested clarification from Mr. Mathiason.

51. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that it was the first time that the Secretariat had been made aware of the Spanish proposal. He requested a copy of the letter, which he would submit to the appropriate authorities in the Secretariat for their consideration.

52. Ms. SINEGIORGIS expressed the hope that other Governments would emulate the Spanish initiative. Nothing that, in view of article 20 of the Convention and rule 3, paragraph 2, of the rules of procedure governing "other sites", the convening of the special session in Spain should not pose a problem.

53. Ms. ESTRADA CASTILLO and Ms. AYKOR expressed their thanks to the Spanish Government, and to Ms. Bustelo García del Real for her efforts.

54. Ms. BUSTELO GARCIA DEL REAL said that, while she had made the initial suggestion, the Chairperson had done all the work to arrange the meeting. The Minister of Social Affairs of Spain was a woman interested in promoting activities related to the Beijing Conference. The convening of a special session of CEDAW in Spain would provide the Spanish people with a better understanding of the United Nations, particularly its human rights activities, and would strengthen the work of Spanish women's organizations and the Ministry of Social Affairs.

55. Ms. AOUIJ also thanked the Spanish Government for its timely initiative, and urged the Secretariat to consider the April session as official.

56. Ms. TALLAWY expressed her appreciation to the Spanish Government, to the Chairperson and to Ms. Bustelo García del Real. She hoped that the Secretariat would not only consider the session in Spain as official but would also participate actively in it. It would be useful to consult the Committee on the Rights of the Child, where similar developments had taken place. Until such time as a permanent solution could be found to the Committee's lack of sufficient meeting time, the generous Spanish offer was a welcome measure.

57. Ms. SCHÖPP-SCHILLING thanked the Chairperson and the Spanish Government. She, too, felt strongly that the session should be official. Perhaps

Mr. Mathiason could give the Committee an idea of the deadlines for the submission of documentation intended for the Beijing Conference.

58. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that three of the five official documents for the Beijing Conference would be submitted to the Commission on the Status of Women for consideration during its March session. The updated edition of The World's Women would be issued in August. The Division had expected the Committee to complete work on its document during the current session. Of course, the Division would be flexible, but the sooner it received the document the better.

59. Ms. JAVATE DE DIOS expressed her appreciation to the Spanish Government, to the Chairperson and to Ms. Bustelo García del Real. The holding of a session in Spain would represent a proactive measure by CEDAW to deal with the problem of insufficient meeting time. She hoped that the Secretariat would cooperate with the Committee in that pioneering effort. She also hoped that the special session would be considered official, as it was actually a continuation of the Committee's work. The Committee must still discuss the draft Platform for Action and finalize the document it would submit to the Beijing Conference.

60. Ms. ABAKA requested the Secretariat to distribute copies of the draft Platform for Action to Committee members before the close of the current session.

The meeting rose at 6.05 p.m.

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Chile (continued) (CEDAW/C/CHI/1)

1. At the invitation of the Chairperson, Ms. Rodríguez (Chile) took a place at the Committee table.

2. Ms. RODRIGUEZ (Chile), responding to observations and questions by members of the Committee, said that the degree of compliance by Chile with the Convention should be seen in the context of the transition from dictatorship to democracy, which had imposed certain limitations as described in the presentation updating the initial report. A choice had been made to promote social and political consensus, which had meant that progress had been more limited than might otherwise have been wished. Women had been active during the dictatorship, and had succeeded in incorporating a gender-based approach in the transition to democracy. The establishment of the National Office for Women's Affairs (SERNAM), had been one important result of those efforts. In particular, SERNAM had secured a place for women in determining the political agenda and had promoted the formulation of the Equal Opportunity Plan which, it was hoped, would shortly be adopted officially.

3. Nevertheless, there was a certain disaffection with politics in Chile and the women's movement and non-governmental organizations were having to redefine themselves. New channels of communication were being established, however, and SERNAM had been active in helping women's organizations to play a role in the design of public policy. Indeed, the dialogue with the Committee and the comments indicating shortcomings in the promotion of women's rights would be used by SERNAM to press for further progress.

4. The Government had sought to promote a development strategy based on growth with social equity, realizing that s cial policies were necessary to offset the impact of its development model. Attention was being focused on groups that required assistance in order to function in a market economy. In particular, the Government had sought to assist female heads of household by increasing family allowances and negotiating a minimum wage. Social investment policies had concentrated on education, health and housing. Since educational coverage was generally thought to be satisfactory, the priority was to improve its quality. Investments had also been made in production and infrastructure, in order to create more job opportunities.

5. Action was also being taken to combat poverty, defined as a situation where households were unable to meet their basic food and other needs. Income thresholds had been established to determine the level of assistance that should be provided. The clear correlation between poverty and gender was reflected not only in traditional economic and social indicators, but also in women's social marginalization, lack of access to the courts and inability to exercise their rights. Above all, women's participation in the labour market was characterized by discrimination and exploitation.

6. The Government's policy was not to view women as a separate group among the poor but as a constituent element of all priority groups affected by poverty. Although it had managed to reduce poverty levels in recent years, the Government was only too aware of the need to close the enormous gap between rich and poor. Paradoxically, although little progress had been made in income redistribution, the overall standard of living had increased over the past 10 years, especially among low-income groups, as a result of economic growth combined with social policies guaranteeing improved access for women to the labour market. The Equal Opportunity Plan would seek to bring about a qualitative improvement based on gender equity, in order to address the structural causes of poverty.

7. One in four households was headed by women and such households tended to be poorer within each economic group. As part of the Government's anti-poverty efforts, a national programme for female heads of household had been instituted on a pilot basis to assist low-income households headed by women. Based on the initial results, it was likely to be extended to the whole country. A further anti-poverty measure focused on teenage mothers. Studies were being conducted on teenage sexuality, and joint action was being taken by SERNAM and a number of government ministries to devise a coherent policy for averting teenage pregnancy, which was more widespread in the poorest population groups, and helping pregnant girls complete their education.

8. While under the Equal Opportunity Plan an effort would be made to assist economically active women in general, including seasonal workers, greater attention needed to be paid to economically active women in rural areas. Census data were unreliable, in that they under-recorded the numbers of women working in agriculture. It was estimated, for example, that more than 100,000 women worked in the fruit-growing industry. SERNAM was involved in various activities to assist women workers in rural areas: the provision of child care for women seasonal workers; the amendment of labour legislation for the benefit of female workers; the conduct of studies on indigenous women and female heads of household in rural areas; and the formalization of property title in rural areas. In essence, the Equal Opportunity Plan would provide a strategic framework for promoting equality between men and women. Elderly women, especially those living in extreme poverty, were particularly vulnerable and consideration was being given to improving social benefits for them.

9. Turning to the articles of the Convention, she explained that article 5 of the Chilean Constitution stipulated that State sovereignty was limited by respect for human rights. As a result, international treaties containing human rights provisions had constitutional rank in Chile and could be invoked before the courts. Accordingly, the definition of discrimination provided in article 1 of the Convention did apply in the Chilean legal system.

10. With regard to article 2, the Equal Opportunity Plan was seen as an essential element in the democratization, economic development and modernization of Chile, and was the Government's main vehicle for pursuing that policy. The Plan, which had been put forward by SERNAM and formally accepted by the Government, reflected the realization that a comprehensive, systemic approach, embracing legislation, the family, education, culture, employment, health, participation and institution-building, was necessary to promote equality. In devising the Plan, SERNAM had analysed the experience of other Latin American

countries and of Spain, which had undergone a similar democratic transition. SERNAM was working to publicize the Plan and to disseminate its provisions among public officials and civil servants.

11. In connection with article 3, SERNAM had been established by law, and its Director had ministerial rank and enjoyed full access to the Government as a cabinet member. SERNAM acted as an independent ministry responsible for negotiating its own budget and for presenting draft legislation in Parliament. A decision had been taken at the outset that SERNAM would be a policy-coordinating rather than a policy-executing organ, since it had been observed that in countries which had ministries responsible for women's affairs, women frequently had less influence on general political life than SERNAM was able to exert in Chile. The ability to coordinate and influence policy across the board was a most effective way of advancing the status of women.

12. While SERNAM did not have overall responsibility for policy execution, it was directly responsible for the implementation of programmes in a variety of areas. It maintained offices throughout the country, through which it provided information to women and identified their needs with a view to making policy recommendations.

13. In its early days, almost 60 per cent of the SERNAM budget had come from international cooperation, but that percentage had declined substantially as regular government funding increased. The early availability of international cooperation had made it possible for SERNAM to compete effectively with other government priorities.

14. With respect to article 4, measures relating to maternity had been gradually amended to reflect the role of men and the family in the reproductive area. Chile had ratified Convention No. 156 of the International Labour Organization on workers with family responsibilities. SERNAM had also engaged in consultations with national political leaders and had made contact with European and Latin American countries, as part of its efforts to promote the Equal Opportunity Plan.

15. Turning to article 5, she noted that a number of penalties for domestic violence were available under the law, including mandatory attendance at family guidance or therapy sessions, fines and imprisonment. Judges could also order preventive measures to guarantee the physical safety and mental health of the affected party and the integrity and subsistence of the family.

16. Turning to article 6, she said that Chilean law prosecuted procurement rather than the exercise of prostitution per se. Medical services (and monitoring for sexually transmitted diseases and AIDS) were available for prostitutes. There was no specific legislation on violence against prostitutes; prosecution for such crimes would fall under general criminal law. Further studies were needed to determine the extent of prostitution in Chile, so that more specific legislation could be enacted to deal with the problems associated with it.

17. With regard to measures to compensate women for serious human rights violations suffered under the dictatorship, there was a need to proceed carefully in investigating crimes and abuses by the military and filling the gaps in existing legislation. A national reparation and reconciliation commission had been set up soon after the end of the dictatorship to investigate the deaths and disappearances that had occurred during that period and to provide assistance, compensation and educational and health benefits to the families of the victims.

18. Concerning measures taken under article 7, she said that the level of women's participation in political life was still unacceptably low, especially at the decision-making level. The Government intended to push ahead with studies of parliamentary systems in other countries to ascertain how they dealt with the problem, paying particular attention to the use of quotas to ensure greater female participation in government and other areas of public life. Where such policies had been put in place in Chile, they were still encountering considerable resistance. Comments from members of the Committee could provide further impetus for efforts to overcome that resistance.

19. With regard to article 8 and women's participation at the international level, she said that only 26 of the 481 senior officials in Chile's foreign service were women, of whom only one was of ambassadorial rank. However, the number of women representing Chile at meetings abroad was significant and growing.

20. Turning to article 10 and the issue of gender stereotypes, she said that textbooks in Chile still contained many sex-role stereotypes but that studies were being carried out on ways of training teachers to deal with the problem. Textbooks were also being updated. A bill to promote non-sexist education and inculcate non-violence among students was also being discussed and was designed to ensure that respect for human rights became an integral part of the educational process. The Government was very concerned that the message of non-violent resolution of conflicts in society should be transmitted throughout the country via the educational system; that message had already been favourably received in a number of regions.

21. With regard to the situation of women in the agricultural sector as discussed under article 11, limitations had been set on working hours for women agricultural workers and employers were contractually bound to provide adequate health and housing conditions for women seasonal workers, as well as child-care facilities.

22. With regard to article 12, she responded to the concerns voiced by Committee members about teenage pregnancy in Chile. A more ambitious interministerial programme, coordinated by SERNAM, was being designed that would come to grips with the issue and link it to family planning. Family planning services had been largely suspended during the dictatorship and currently reached only about 20 per cent of Chilean women of child-bearing age. The Government was seeking to expand those services in order to reduce recourse to abortion, which remained punishable by law. Abortion was seen as a major public health problem, not as a means of family planning, and the Government had no plans to legalize it. However, illegal abortions were carried out on a wide

scale and among all social classes, with poor women at greatest risk of complications. Abortion statistics were in fact based on emergency hospitalizations for abortion complications. A bill to prevent discrimination in employment or education on grounds of pregnancy had been proposed, but was not likely to become law soon.

23. An interministerial commission had been constituted to deal with the problem of AIDS and had launched several massive public education campaigns on AIDS prevention. The Government was committed to such campaigns, despite opposition from some sectors of society. The Ministry of Health had stipulated that all blood samples, whether for tests or donation, should be tested for the AIDS virus.

24. Turning to article 15 on the legal status of women, she said that the absence of a divorce law in Chile was incomprehensible and had resulted in a huge number of de facto separations and annulments. Given the lack of consensus on the issue, the Government had decided to initiate a public debate under the leadership of SERNAM. Broad parliamentary support would be required to change the legal situation, especially in view of strong opposition from the Catholic Church, whose moral authority had been enhanced by its defence of human rights under the military dictatorship. Women in Chile had full legal capacity; the provisions of matrimonial property law had been updated and couples were being made aware of the laws on domestic violence.

25. With regard to article 16 on marriage and family relations, a bill was currently before the legislature that would equalize the legal status of children born in and out of wedlock, allow mothers to exercise parental authority, and permit the use of DNA testing to establish paternity. The minimum marriage age (and the age of majority) had been reduced from 21 to 18 years, while girls over 12 and boys over 14 years of age could marry with parental approval. Child support requirements applied equally to children born in or out of wedlock.

26. The CHAIRPERSON noted the imbalance in the situation of women in Chile, as reflected in the replies just given to members' questions. While great strides had been made in some areas of society, much remained to be done to secure the recognition of civil and human rights. The Catholic Church was also an apparent obstacle to progress. In promoting education for peace and against sexism in the schools, SERNAM was playing an important role in the struggle for equality in Chile, and its emphasis on international cooperation and solidarity was to be welcomed.

27. Ms. SCHOPP-SCHILLING asked whether there were specific targets for women in the sectoral economic policies described in the report, and suggested that the existence of such targets should be underlined. She also stressed the need for quotas to increase women's representation in decision-making positions, and praised the interministerial approach to a broad range of issues as an effective way of overcoming entrenched bureaucratic obstacles.

28. Ms. BUSTELO GARCIA DEL REAL asked whether there was a separation of Church and State in Chile and recommended that, if there was, the struggle for women's rights in the areas of equality-based family legislation and reproductive rights should not be abandoned, despite the Church's evident power. That issue was particularly important in the case of abortion, which posed a great threat to women because of its clandestine nature. Chileans were of course entitled to have the laws they deemed appropriate, but they should also be mindful of the impact of anti-abortion legislation on women's health.

29. The CHAIRPERSON said that the Committee had concluded its consideration of the initial report of Chile.

30. Ms. Rodríguez (Chile) withdrew.

Initial and second periodic reports of Mauritius (continued) (CEDAW/C/MAR/1-2)

31. At the invitation of the Chairperson, Ms. Dubois (Mauritius) took a place at the Committee table.

32. Ms. DUBOIS (Mauritius), replying to the question whether the multicultural and multiracial nature of Mauritian society had created any internal problems which affected women, said that her country was often quoted as an example of peaceful cohabitation among people of different races, cultures and religious beliefs. Because of the size of the country, its limited natural resources and the fact that it was one of the most densely populated countries in the world, the Government was extremely cautious in dealing with potentially disruptive issues, such as citizenship and nationality. However, there were indications that the Government was considering a review of its position on nationality, which would result in amendments to chapters 2-3 and 16-3 of the Constitution. The comments made by the Committee in that respect had been noted, as had its suggestion that the provisions of article 4 of the Convention should be used to ensure an increase in the number of women in economic decision-making positions.

33. With reference to the lack of data on domestic violence, abuse was a sensitive issue which victims were often reluctant to report, making it difficult to obtain reliable data. Mauritius was currently benefiting from the services of a UNICEF consultant on domestic violence, who had recommended a programme that included training of police and law enforcement officers, sensitization campaigns and a survey of domestic violence. Once that survey had been carried out, it would become easier to identify the most effective approach.

34. Members had inquired about the relationship between the National Women's Council and the Ministerial Committee and between those two bodies and the Ministry of Women's Rights, Child Development and Family Welfare. The National Women's Council was responsible for coordinating women's associations and facilitating dialogue between the State and women through those associations. The Ministerial Committee was made up of desk officers from various ministries and was intended to give those desk officers the opportunity to meet, discuss problems encountered in the implementation of gender policies in their respective ministries and share information about projects being implemented by their ministries and their impact on women. The Committee had not been very

effective in recent years, since desk officers, who had received no training in gender analysis and gender planning and were subject to transfer, lacked commitment. It had, however, been effective on an ad hoc basis, for example, when the white paper on Women in Development and the national report on the implementation of the Nairobi Forward-looking Strategies had been prepared. Desk officer training was on the agenda of the Ministry of Women's Rights for 1995, and a consultant had been made available by UNDP for that purpose. Once they had been trained, desk officers would be better equipped to influence ministerial policy in favour of women.

35. The National Women's Council was managed by a committee of representatives of women's associations, as well as desk officers from the education, health, economic planning and development, social security and youth and culture ministries.

36. With regard to article 4, provision had recently been made for the training of women police officers. The idea of training women judges and magistrates would be considered, but expertise in that field was not available in Mauritius and would have to be sought from international cooperation.

37. Citing examples of protective legislation for women, she said that in the agricultural sector, women were not required to perform strenuous field jobs and women at an advanced stage of pregnancy were prohibited from lifting or carrying heavy loads. Female employees in the sugar industry were entitled to a bonus of 15 per cent of the daily wage if required to perform heavy work. In the sugar and salt industries, female employees had the option of retiring at age 55. In the industrial sector, employees at an advanced stage of pregnancy were not offered work requiring continuous standing. Prior to 1989, when the relevant law had been amended, female factory workers had not been allowed to work as "factory operators", an exclusively male preserve. Female factory workers were not compelled to do overtime and were refunded their return bus fares when the distance between their home and work exceeded three kilometres. The requirement for male workers in that respect was five kilometres.

38. With regard to maternity benefits, a female worker who had completed 12 months of continuous employment was entitled to 12 weeks of maternity leave with full pay, an allowance of Mau Rs 300-500, a milk allowance in cash or in kind and a one-hour break daily to breast-feed her child.

39. Turning to article 6, prostitutes were not registered and therefore operated illegally. Following an AIDS information campaign, prostitutes were more conscious of health hazards and had stated in a recent television programme that they underwent regular medical examinations. Sections 251 and 253 of the Criminal Code provided penalties for any person who, for gain, procured, enticed or exploited another person or led them away for purposes of prostitution. The Child Protection Act made it an offence for any person to cause, incite or allow any child to have access to a brothel or engage in prostitution.

40. Women were extremely well represented at various levels of the judiciary. For example, both the Master and the Deputy Master in Bankruptcy were women, and three of the six intermediate court magistrates were women.

41. Concerning article 7, recruitment to the foreign service was open to both men and women. Of the 52 members of the Mauritian diplomatic corps, 7 were women. Numbers would increase when more women became suitably qualified.

42. Turning to article 10, one member had noted that the courses offered by the Ministry of Women's Rights tended to concentrate on low-level and domestic skills. Those courses were intended to provide low academic achievers, who did not have access to the Industrial and Vocational Training Board or other private training institutions, with basic skills. The Industrial and Vocational Training Board operated its own training courses in many craft and trade fields, and those courses were open to both men and women. There were many private institutions which offered courses in computer science, banking and management.

43. Reservations had been made to parts of articles 11 and 16 at a time when the prevailing socio-economic situation prevented the Government from fulfilling the provisions of those articles. However, equal employment opportunities and equal pay for equal work had become established concepts, and the right of women to choose a profession or occupation had been embodied in legislation. The State Law Office had agreed to the withdrawal of those reservations and that had been followed by government approval.

44. Paid maternity leave was restricted to three confinements, but female employees were granted leave without pay for subsequent confinements. That formed part of the national population policy of discouraging large families. One member had inquired how the legal provision of a one-hour break for a working mother to breast-feed her child was implemented. In fact, it rarely was, as there were few nurseries near factories. The law had been intended to encourage breast-feeding, and the Government was trying to improve the situation.

45. The public and private sectors operated differently, and it was not feasible to provide the same working conditions in both sectors. However, the Export Enterprises Regulations 1983 established wages and other conditions of employment, including leave, transport and maternity benefits.

46. An orphan was defined as a child whose mother and father were dead or unknown. In the case of an abandoned child, the guardian received a guardian's allowance and an abandoned child allowance for the upkeep of the child. There was no discrimination against illegitimate or abandoned children.

47. The impact on women of changes in fiscal and taxation policies in the context of the structural adjustment programme had not been studied. However, a reduction in capital expenditure had led to a freeze on the construction of State secondary schools and subsidized housing in the late 1980s. That might have reduced women's access to education and housing, but since then the trend had been reversed.

48. Women had benefited directly from the Government's new taxation policies. They could file income tax returns separately and claim many deductions. Their growing participation in the labour force had increased the burden on women, and the Government was aware of the need to provide them with support services such as day-care centres.

49. Labour law prohibited the employment of persons under the age of 15. In 1990, the Government had ratified ILO Convention No. 138 on the minimum age for employment and had shown its determination to eliminate child labour. Child workers accounted for 0.7 per cent of the working population. Child labour was discouraged by the regular inspection of workplaces and by information campaigns.

50. Turning to article 12, family planning services were available to women of all ages, whether married or unmarried. The Mauritius Family Planning Association ran an aggressive family planning campaign directed at young people. Seventy-five per cent of women of reproductive age used at least one method of family planning, of which the most common was the pill. Abortion was illegal and was not available anywhere. However, admissions due to complications of abortion were reported frequently in public and private health institutions. With more effective family planning, the number of abortions would diminish.

51. With reference to women and agriculture, women had equal rights of inheritance and an equal right to own land. There was a general shortage of labour in agriculture, because both men and women preferred to work in "cleaner", higher-status factories.

52. With reference to the island of Rodrigues, an adult literacy programme was being implemented and infrastructure was improving daily: water, electricity and roads were widespread. Thirty-five per cent of the land was cultivated for subsistence agriculture. Further, updated details would be given in the next report.

53. Concerning article 14, a survey carried out by the University of Mauritius in 1988 on the health, nutrition and productivity of workers in the export processing zone, some 80 per cent of whom were women, had found 38 per cent of women to be anaemic and that obesity was prevalent. In general, 16 per cent of male and female workers had the symptoms of iron and vitamin B12 deficiency, 29 per cent were underweight, 13 per cent had diabetes and 50 per cent suffered from high cholesterol. Those problems were largely due to the abandonment of the traditional diet and dependence on fast food. The Ministries of Health and Agriculture were developing a food and nutrition policy to help improve that situation.

54. Concerning article 16, religious marriages, if registered, had the same status as civil marriages. The children of such marriages were legitimate and had the same status as children of civil marriages. Civil law governed divorce in all cases. The Napoleonic Code had been amended recently to give women the right to live in the family home until their death, even after the husband's death. The law did not provide for a right to shelter in any other house.

55. Her Government was committed to the advancement of women and had found the Convention a source of inspiration in working towards the elimination of discrimination against women.

56. The CHAIRPERSON observed that Mauritius was indeed a multiracial society without cultural tensions. Significant progress seemed to have been made in the advancement of women, the machinery for which seemed to be well established, as was cooperation with various United Nations agencies. She felt that insufficient attention had been paid to the problem of increasing prostitution brought about by tourism. It would be useful to know the exact details of the changes made to the Napoleonic Code. The freeze on the construction of schools and housing would seem to have affected women directly. Mauritius appeared to need to apply the provisions of the Convention more strictly, and she hoped to see further details in its next report.

57. Ms. OUEDRAOGO, referring to the provision of one hour for women to breast-feed their children, said that it was difficult to implement. The same provision had been made in her country, but the hour could be taken either before or after work, so that it was possible to apply the provision more liberally.

58. Ms. BARE endorsed the Chairperson's view that the Government should consider lifting its reservations to articles 12 and 16. With regard to article 11, she noted with satisfaction that the labour laws applied by the Government in the export-processing zone were very similar to those applied in the private sector. However, an independent source had suggested that, because of their high mobility, women workers in the zone might not enjoy the protection afforded by such legislation. The Government should clarify that situation in its next report.

59. Ms. SCHOPP-SCHILLING said she agreed that economic development should not take place at the expense of women. With regard to vocational training, the Mauritian representative had distinguished between the remedial courses offered to women with no education or skills and the general national training available to both men and women. It would be useful if the next report could go into greater detail on the courses taken by women, as compared with those taken by men and boys.

60. The CHAIRPERSON said that the Committee had concluded its consideration of the initial and second periodic reports of Mauritius.

61. Ms. Dubois (Mauritius) withdrew.

ORGANIZATION OF WORK

62. Following a report by Ms. TALLAWY on the functioning of the Committee on the Rights of the Child, the CHAIRPERSON noted that many CEDAW members were dissatisfied with the level of resources available to the Committee as compared with those allocated to other human rights committees, and suggested that those concerns should be explored more fully in the context of the Committee's consideration of the agenda item entitled "Ways and means of expediting the work of the Committee".

The meeting rose at 1 p.m.